

## **REMARKS**

With claims 1-17 originally pending, with this amendment claims 2, 5 and 6 have been cancelled, while claims 1, and 7-17 have been amended.

### **Claim Objections**

Claims 1-17 stand objected to because of informalities specifically pointed out by the Office Action with suggested changes to correct the informalities. Claims 1-17 have been amended as suggested by the Office Action to correct the informalities. Accordingly, Applicant requests that the objection to claims 1-17 be withdrawn.

### **Section 112, Second Paragraph Rejection**

Claims 7-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office Action states that claim 7 recites the step of “increasing a torque applied during startup.” The Office Action further states that claims 8-11 recite increasing torque with respect to the spindle motor, but since claim 7 does not recite a spindle motor, it is unclear to what motor the Applicant is increasing a torque during startup. In response, Applicant has amended claim 7 to recite “increasing torque applied to a spindle motor” to clarify that torque is being applied with respect to the spindle motor as recited in claims 8-11. Accordingly, claims 7-12 are now believe to be allowable as definite under 35 U.S.C. § 112, second paragraph.

## **Section 103 Rejection**

Claims 1-6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Schirle (6,055,120) in view of Wallis (5,268,804). Based on the amendments to claim 1, this rejection is believed to be overcome.

Claim 1 has been amended to include language from claim 2 that “the spin-up parameters comprise at least one of: a. spin-up current; b. spin-up voltage; and c. commutation time.” Claim 2 has, accordingly, been cancelled. The Office Action states that Schirle discloses the method of claim 1, and further states that Schirle discloses that the spin-up parameters include spin-up time as originally in claim 2, referring to (abstract, col. 2, lines 14-48, col. 4, lines 47-59; failure timing or time-out period). However, the “spin-up time” is now not claimed as one of “the spin-up parameters” of amended claim 1. Neither Schirle nor Wallis disclose using temperature to determine spin-up parameters, where the spin-up parameters include items other than “spin-up time,” such as “a. spin-up current; b. spin-up voltage; and c. commutation time” now claimed in claim 1. Accordingly claim 1 is now believed patentable as non-obvious over Schirle in view of Wallis.

Claims 3-4 are believed allowable as non-obvious over Schirle in view of Wallis based at least on their dependence on claim 1. Claims 5-6 have been cancelled rendering this rejection moot with respect to those claims.

## **Allowable Subject Matter**

Claims 7-12 are indicated as allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, and the minor informality objections. Based on the amendments

made to overcome the 35 U.S.C. § 112, second paragraph rejections, and the minor informality objections discussed previously in this Reply, claims 7-12 are now believed in condition for allowance.

### **Conclusion**

In light of the above amendments and remarks, claims 1, 3-4 and 7-17 are all believed in condition for allowance. Accordingly, reconsideration and allowance of these claims is respectfully requested.

No fee is believed due with this response. Should a fee be due, the Commissioner is authorized to charge any underpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: 11/11/04

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